

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE

V

Jenica Hospitality LLC

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages

Employer: Jenica Hospitality LLC, 815 Lafayette Road, Hampton, NH 03842

Date of Hearing: June 26, 2014

Case No.: 47902

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts he is owed \$900.00 in unpaid wages for hours worked between February 2013 and February 2014. He argues that he was told by the employer upon hire that he was to report to the front desk every night at 6:00pm to see if the desk clerk needed anything. He was told not to clock in for this time as he had already worked his full shift. He argues that he performed many services during this time from replenishing the towels for the pool to removing air conditioning units and installing new units. He calculated the hours due at fifteen minutes per day for one year, not the full time of his employment, at a rate of \$9.00 per hour.

The employer denies the claimant was not paid for all time worked. He does not agree with any of the statements made by the claimant. However, he is willing to pay the claim to keep the peace as they live in the same town and the claimant's girlfriend still works for him.

FINDINGS OF FACT

The claimant worked for the employer as a housekeeper from December 2012 through February 13, 2014. His rate of pay was \$9.00 per hour.

The claimant argues he was required check in with the front desk every night at 6:00 pm to see if the desk clerk needed anything. He claims he was told not to punch in for this time. He is seeking fifteen minutes of unpaid work per day for three hundred sixty-five days, or one year. He agrees he did not argue with the employer about it because he was new to the job.

The employer argues the claimant's statement is completely false, but is willing to pay the claim to keep the peace as they live in the same town and the claimant's girlfriend is still happily employed with them.

The claimant has the burden of proof in this matter to show by a preponderance of the evidence that he was not paid for all hours worked. The Hearing Officer finds that the claimant provided credible testimony that he was required to perform work each night at a specified time, 6:00 pm, and was not compensated for that time.

Therefore the Hearing Officer finds the claimant proved by a preponderance of the evidence he is due the claimed wages in the amount of \$821.25.

The original claim was for \$900, however, the claimant provided credible testimony that he calculated the claim at 15 minutes per day, for one year, at a rate of \$9.00 per hour, which equals \$821.25.

DECISION AND ORDER

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Department finds that the claimant proved by a preponderance of the evidence that he is owed the claimed wages, it is hereby ruled that the Wage Claim is valid in the amount of \$821.25.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$821.25, less any applicable taxes, within 20 days of the date of this Order.

/s/

Melissa J. Delorey
Hearing Officer

Date of Decision: July 3, 2014

Original: Claimant
cc: Employer

MJD/cag